

See you thieves in Federal Court.

The NAB and Ed Fritz have used deception by and/or to prevent the disclosure or recognition of

The NAB's ( monopoly & oligopoly & cartel ), by using The FCC as a Federal Government and U.S. Congress

( monopoly & oligopoly & cartel ). MIS-PRISON OF FELONY

#### NEW LAWSUIT Class Action

CLASS ACTION SUIT Plaintiff Joseph D'Alessandro lawsuit in which Plaintiff Joseph D'Alessandro

one files a complaint on behalf of Plaintiff Joseph D'Alessandro himself and all other people who are

"similarly situated" (suffering from the same problem). A large number of people have comparable complaints and/or claims.

Monday, February 14, 2005

WILL PROVE FACTS AT HEARING

UNITED STATES DISTRICT

COURT DISTRICT OF DELAWARE

Plaintiff APPLICATION TO PROCEED WITHOUT PREPAYMENT OF V. FEES AND AFFIDAVIT

Defendant(s) CASE NUMBER:

I, Joseph D'Alessandro declare that I am the Petitioner/Plaintiff/Movant Other in the above-entitled proceeding;

that in support of my request to proceed without prepayment of fees or costs under 28 USC §1915, I declare that I am

unable to pay the costs of these proceedings and that I am entitled to the relief sought in the complaint/petition/motion.

In support of this application, I answer the following questions under penalty of perjury:

1. Are you currently incarcerated? No

If "YES" state the place of your incarceration

Are you employed at the institution? No

Do you receive any payment from the institution? No

Have the institution fill out the certificate portion of this affidavit and attach a ledger sheet from the

institution(s) of your incarceration showing at least the past SIX months' transactions. Ledger

sheets are not required for cases filed pursuant to 28:USC §2254.

2. Are you currently employed? No

a. If the answer is "YES" state the amount of your take-home salary or wages and pay period and

give the name and address of your employer.

b. If the answer is "NO" state the date of your last employment, the amount of your take-home

salary or wages and pay period and the name and address of your last employer.

3. In the past 12 twelve months have you received any money from any of the following sources?

- a. Business, profession or other self-employment No
- b. Rent payments, interest or dividends No
- c. Pensions, annuities or life insurance payments No
- d. Disability or workers compensation payments Yes
- e. Gifts or inheritances No
- f. Any other sources No

If the answer to any of the above is "YES" describe each source of money and state the amount

received AND what you expect you will continue to receive.

Social Security Disability Limited Income

\$1,250.00 per month which is a CREDIT WE ARE BANKRUPT WE HAVE NO MONEY

I exercise my U.S. Constitutional Right, my First Amendment Right to redress my Government

the federal courts are part of my government. Furthermore the filing of \$150.00 dollars is unconstitutional

no where does it states in the U.S. Constitution i have to pay a filing fee to petition my government, this

warrants another lawsuit, the federal courts owes me \$2,000.00 dollars, which i need for medical cost

which are in the thousands.

4. Do you have any cash or checking or savings accounts? ! Yes

If "Yes" state the total amount \$ ZERO CREDIT BALANCE

5. Do you own any real estate, stocks, bonds, securities, other financial instruments, automobiles or other valuable property? No

If "Yes" describe the property and state its value.

6. List the persons who are dependent on you for support, state your relationship to each person and indicate how much you contribute to their support, OR state NONE if applicable. I declare under penalty of perjury that the above information is true and correct.

My Wife Olga D'Alessandro. My entire paycheck goes to living expenses for myself and my wife.

Monday, February 14, 2005

Exhibit D

PRELIMINARY Statement To Federal Judge

To Federal Judge Who is Assigned this Case.

Copy:

Justice Stephen Breyer Chairman of the Judicial Conduct and Disability Act Study Committee

Thurgood Marshall Federal Judiciary Building

One Columbus Circle, N.E. Room 6100

Washington, D.C. 20002-8003

The Honorable James F. Sensenbrenner, Jr (Chair) Judiciary Committee

United States House of Representatives

2449 Rayburn House Office Building

Washington, D.C. 20515-4905

The Distinguished Senator John McCain  
Commerce, Science and Transportation Committee  
Members, Staff and Contact Information  
Address: 508 Dirksen Senate Office Building Washington, DC 20510

The Distinguished Representative Joe Barton, Chairman  
Energy and Commerce Committee  
Members, Staff and Contact Information  
Address: 2125 Rayburn House Office Building Washington, DC 20515

Do not usurp my Constitutional Rights by FRCP 12 (b) 6.  
12(b) dismissal into a summary judgment motion then it must give the parties  
notice and an opportunity to be heard. Rule 12 (b) Jacobson v. A.E. Capital  
Corp. 50 F.3d 1493, 1496 (9th Cir. 1995).

Owen v. City of Independence  
"The innocent individual who is harmed by an abuse of governmental authority is  
assured that he will be compensated for his injury."

Sherar v. Cullen, 481 F. 2d 946 (1973)  
"There can be no sanction or penalty imposed upon one because of his exercise of  
constitutional rights."

Futhermore. In America, all persons are entitled to due process of law under the  
Administrative  
Procedures Act.  
[Russell-Newman Mfg. Co. v. N.L.R.B., C.A. Tex 1966, 370 F2d 980]  
[Amos Treat & Co. v. Securities & Echange Commission, 306 F2d 260 (1962), 113 US  
App. D.C. 100]  
[Southern Stevedoring Co. v. Voris, C.A. Tex 1951, 190 F2d 275]  
(1) opportunity to be heard.  
(2) due notice of hearing  
(3) fair conduct of hearing

PRO SE RIGHTS Joseph D'Alessandro  
Conley v. Gibson, 355 U.S. 41 at 48 (1957)

Davis v. Wechler, 263 U.S. 22, 24; Stromberb v. California, 283 U.S. 359; NAACP  
v. Alabama, 375 U.S. 449

Elmore v. McCammon (1986) 640 F. Supp. 905  
the right to file a lawsuit pro se is one of the most important rights under the  
constitution and laws."

Haines v. Kerner, 404 U.S. 519 (1972)  
Allegations such as those asserted by petitioner, however inartfully pleaded,  
are sufficient"... "which we hold to less stringent standards than formal  
pleadings drafted by lawyers."

Jenkins v. McKeithen, 395 U.S. 411, 421 (1959); Picking v. Pennsylvania R. Co.,  
151 Fed 2nd 240; Pucket v. Cox, 456 2nd 233  
Pro se pleadings are to be considered without regard to technicality; pro se  
litigants' pleadings are not to be held to the same high standards of perfection  
as lawyers.

Maty v. Grasselli Chemical Co., 303 U.S. 197 (1938)

Pleadings are intended to serve as a means of arriving at fair and just settlements of controversies between litigants. They should not raise barriers which prevent the achievement of that end. Proper pleading is important, but its importance consists in its effectiveness as a means to accomplish the end of a just judgment."

Picking v. Pennsylvania Railway, 151 F.2d. 240, Third Circuit Court of Appeals  
The plaintiff's civil rights pleading was 150 pages and described by a federal judge as "inept". Nevertheless, it was held "Where a plaintiff pleads pro se in a suit for protection of civil rights, the Court should endeavor to construe Plaintiff's Pleadings without regard to technicalities."

Puckett v. Cox, 456 F. 2d 233 (1972) (6th Cir. USCA)

It was held that a pro se complaint requires a less stringent reading than one drafted by a lawyer per Justice Black in Conley v. Gibson (see case listed above, Pro Se Rights Section).

Roadway Express v. Pipe, 447 U.S. 752 at 757 (1982)

Due to sloth, inattention or desire to seize tactical advantage, lawyers have long engaged in dilatory practices... the glacial pace of much litigation breeds frustration with the Federal Courts and ultimately, disrespect for the law."

Sherar v. Cullen, 481 F. 2d 946 (1973)

There can be no sanction or penalty imposed upon one because of his exercise of Constitutional Rights."

Schware v. Board of Examiners, United State Reports 353 U.S. pages 238, 239.  
The practice of law cannot be licensed by any state/State."

Sims v. Aherns, 271 SW 720 (1925)

The practice of law is an occupation of common right."

---

Page 1

COURT

IN THE UNITED STATES DISTRICT

FOR THE DISTRICT OF DELAWARE

Joseph D'Alessandro and Class Action Pro Se & Pro Socia and alike citizens of the Republic

Of The United States

for example Frank Patterson's WFBP- LP/Taylors, SC

CLASS ACTION SUIT Plaintiff Joseph D'Alessandro lawsuit in which Plaintiff Joseph D'Alessandro

one files a complaint on behalf of Plaintiff Joseph D'Alessandro himself and all other people who are

"similarly situated" (suffering from the same problem). A large number of people have comparable complaints and/or claims.

23136 Prince George Drive Angola Estates

Lewes, Delaware 19958-9342

Plaintiffs'

Civil Docket No.

VERIFIED COMPLAINT DEMAND A JURY TRIAL

(seventh amendment)

v.

UNITED STATES OF AMERICA  
through The Federal Communications Commission  
and federal employees in there official capacity  
and individual capacity.

defendants

CXR Holdings, Inc. THROUGH a foreign corporation and/or entity under the law.  
Cox Television Atlanta, GA

defendants

GREAT SCOTT BROADCASTING a foreign corporation and/or entity under the law  
224 MAUGERS MILL ROAD  
City POTTSTOWN PA.

defendants

Dow Lohnes & Albertson THROUGH a foreign corporation and/or entity under the  
law  
1200 New Hampshire Avenue, NW  
Suite 800  
Washington, DC 20036 -6802

Leventhal Senter & Lerman PLLC a foreign corporation and/or entity under the  
law  
Suite 600  
2000 K Street, N.W.  
Washington, D.C. 2000

defendants

WOLC MARANATHA, INC. a foreign corporation and/or entity under the law in its  
official capacity as a full p[ower FM Station and the  
following individuals in there individual capacity.  
President, Robert Shores, Vice President, Larry Davis Treasurer, Gordon Marsh  
Secretary, Bruce Pape Donald Andrews Jeff Phillips Ralph Scott Bruce Ward  
Roger Marino Harry Alexander Vernon Downes John Hopkins  
MAILING ADDRESS P. O. BOX 130  
P. O. BOX 130  
PRINCESS ANNE STATE MD

defendant

National Association of Broadcasters a foreign corporation and/or entity under  
the law  
1771 N Street, NW  
Washington, DC 20036  
and in their official capacity and as a individuals  
Edward O. Fritts President and CEO Washington, DC  
NAB Executive Offices

Andrew S. Fisher President Atlanta, GA  
Cox Television a foreign corporation and/or entity under the law

Alan W. Frank President and CEO Detroit, MI  
Post-Newsweek Stations, Inc.  
a foreign corporation and/or entity under the law

Dean Goodman President/COO West Palm Beach, FL  
Paxson Communications Corporation a foreign corporation and/or entity under  
the law

Bruce T. Reese President/CEO Salt Lake City, UT  
Bonneville International Corporation a foreign corporation and/or entity under  
the law

Benjamin W. Tucker Jr. Acting President/CEO Seattle, WA  
Fisher Communications Company a foreign corporation and/or entity under the law

W. Russell Withers Jr. Owner Mount Vernon, IL  
Withers Broadcasting Companies a foreign corporation and/or entity under the law

See Exhibit A attached  
See Exhibit B attached  
See Exhibit C attached  
See Exhibit D attached

Motion by Plaintiff for a (Equity) PRELIMINARY INJUNCTION  
Hearing

Until case is  
decided by Trial

#### Jurisdiction And Statues

PRELIMINARY INJUNCTION Points of Authority. "STARE DECISIS"  
Chalk v. United States Dist. Ct., 840 F.2d 701, 704 (9th Cir. 1988). These are  
not discrete tests, but are instead "outer reaches 'of a single continuum."

Cf. Movie Systems, Inc. v. MAD Minneapolis Audio Distrib., 717 F.2d 427, 432  
(8th Cir.'83) (injunction was specific enough to give 'explicit notice of  
precisely what conduct is forbidden').

#### Annotation

PROCEDURAL AND "SUBSTANTIVE RIGHTS" Substantive Due Process  
"STARE DECISIS"

The United States Supreme Court has held for most of its history that due  
process must include limits not only on how laws are passed or enforced, but on  
what kind of laws may be imposed by majorities upon minorities and individuals.  
The court has consistently viewed the due process clause as embracing those  
rights that are "implicit in ordered liberty." Just what these rights are is not  
always clear. Throughout the court's history, substantive due process has  
protected liberty, and the extension of much of the Bill of Rights over  
Unconstitutional Laws and Rules.

U.S. Constitution: 14th Amendment Rights Guaranteed Privileges and Immunities of Citizenship, Due Process

and Equal Protection

Plaintiffs United States Constitutional Rights, Civil Rights, Civil Liberties, Legal Rights, and Bill

Of Rights Have Been Stolen and/or Usurped by all Defendants. 1. To seize and hold plaintiff (the power or rights

of plaintiffs substantive rights without legal authority. 2. To take over or occupy without right.

To seize plaintiffs place, authority, or possession wrongfully. WRBG-LP is protected by the jurisdiction of

Federal Law, according to federal jurisdiction pursuant to (a) Article III § 2 which extends the jurisdiction

PROCEDURAL AND "SUBSTANTIVE RIGHTS" Substantive Due Process

arising under the U.S. Constitution. TITLE 28 PART IV CHAPTER 85 JURISDICTION

sec. 1331. Federal question sec. 1332. Diversity of citizenship; amount in controversy; costs

(b) The Federal Administrative Procedures Act.

(c) TITLE 18 SECTION 242 DEPRIVATION OF RIGHTS UNDER and COLOR OF LAW,

TITLE 18 SECTION 241. -CONSPIRACY AGAINST RIGHTS. AND MIS-PRISON OF FELONY

all defendants are aware of this criminal activity.

(d) U.S Codes, Title 42, Chapter 21, Subchapter I, Section 1983 - Civil Action for

Deprivation of Rights

(e) The Federal and State Anti Trust Laws ( monopoly & oligopoly & cartel ) 1914 - Clayton Antitrust Act,

Sherman Antitrust Act of 1890, Hart-Scott-Rodino Antitrust Improvements Act, Common law,

Federal Trade Commission Act, Robinson-Patman Act, Sherman Antitrust Act, Antitrust deals with the area

of law concerned with maintaining competition in private markets. The American antitrust and fair trade laws

protect and promote competition in the free enterprise system. These laws provide remedies for businesses

and consumers from the effects of monopolization and conspiracy, fixed prices, boycotts, refusals to deal,

divided markets, etc.

The NAB and Ed Fritz have used deception by and/or to prevent the disclosure or recognition of

The NAB's ( monopoly & oligopoly & cartel ), by using The FCC as a Federal Government

( monopoly & oligopoly & cartel ). MIS-PRISON OF FELONY

1. Text intended to separate ideas.

#### CONSTITUTIONAL COMPLAINT

The "why" is substantive due process. Even if an unreasonable law is passed and signed into law legally

(procedural due process), substantive due process can make the law unconstitutional. The Roe v Wade abortion

decision declared a Texas law in violation of due process.

The Fourteenth Amendment prohibits the deprivation of liberty or property without due process of law. A due

process claim is cognizable (Knowable) only if there is a recognized liberty (Freedom from unjust

or undue governmental control) or property (Something tangible or intangible)

interest at stake. Board of Regents v. Roth, 408 U.S. 564, 569 (1972).

futhermore you are deliberately causing LEGAL ABUSE SYNDROME mental and physical damage, i am

disabled and my life savings are invested in this LPFM station, over \$20, 000.00 plus a 25 year lease for studio,

and bills, and thousands of dollars cost (intangibles and tangibles)

WRBG-LP can not be forced off the air by greed (oligopoly & cartel) and to dominate, The Public Air

Spectrum by excluding others. My Life savings are in this WRBG-LP. (Our Lives will be rendered

useless or ineffective)

My Community LPFM-LP Station must have rank position relative to my "SUBSTANTIVE RIGHTS"

and "SUBSTANTIVE DUE PROCESS OF LAW AND/OR CIVIL RIGHTS" and "DUE PROCESS OF LAW "



The United States Constitution. Clauses of the First, Fifth, Ninth, and Fourteenth Amendments

"Substantive Due Process" is the fundamental constitutional legal theory upon which the Griswold/Roe/Casey

privacy right is based. The doctrine of Substantive Due Process holds that the Due Process Clause not only

requires "due process," that is, basic procedural rights, but that it also protects basic substantive rights.

"Substantive" rights are those general rights that reserve to the individual the power to possess or to do certain

things, despite the government's desire to the contrary. These are rights like freedom of speech. And

own a LPFM Community Radio Station.

2. Text intended to separate ideas.

Constitutional Points Of Authority

Miranda v. Arizona, 384 U.S. 426, 491; 86 S. Ct. 1603

"Where rights secured by the Constitution are involved, there can be no 'rule making' or legislation which would abrogate them."

Boyd v. United, 116 U.S. 616 at 635 (1885)

Justice Bradley, "It may be that it is the obnoxious thing in its mildest form; but illegitimate and unconstitutional practices get their first footing in that way; namely, by silent approaches and slight deviations from legal modes of procedure. This can only be obviated by adhering to the rule that constitutional provisions for the security of persons and property should be liberally construed. A close and literal construction deprives them of half their efficacy, and leads to gradual depreciation of the right, as if it consisted more in sound than in substance. It is the duty of the Courts to be watchful for the Constitutional Rights of the Citizens, and against any stealthy encroachments thereon. Their motto should be *Obsta Principiis*."

Gomillion v. Lightfoot, 364 U.S. 155 (1966), cited also in Smith v. Allwright, 321 U.S. 649.644

"Constitutional 'rights' would be of little value if they could be indirectly denied."

Juliard v. Greeman, 110 U.S. 421 (1884)

Supreme Court Justice Field, "There is no such thing as a power of inherent sovereignty in the government of the United States... In this country, sovereignty resides in the people, and Congress can exercise power which they have not, by their Constitution, entrusted to it. All else is withheld."

Mallowy v. Hogan, 378 U.S. 1

"All rights and safeguards contained in the first eight amendments to the federal Constitution are equally applicable."

Norton v. Shelby County, 118 U.S. 425 p. 442

"An unconstitutional act is not law; it confers no rights; it imposes no duties; affords no protection; it creates no office; it is in legal contemplation, as inoperative as though it had never been passed."

Owen v. City of Independence

"The innocent individual who is harmed by an abuse of governmental authority is assured that he will be compensated for his injury."

3. Text intended to separate ideas.

Parties

(a) Plaintiff resides at Joseph D'Alessandro Pro Se & Pro Socia 23136 Prince George Drive Angola Estates

Lewes, Delaware 19958-9342

(b) Defendants reside at UNITED STATES OF AMERICA through The Federal Communications

Commission and federal employees in there official capacity and individual capacity, CXR Holdings, Inc.

THROUGH Dow Lohnes & Albertson 1200 New Hampshire Avenue, NW Suite 800 Washington, DC 20036 -6802

WOLC MARANATHA, INC. in its official capacity as a full p[ower FM Station and the

following individuals in there individual capacity. President, Robert Shores, Vice President,

Larry Davis Treasurer, Gordon Marsh Secretary, Bruce Pape Donald Andrews

Jeff Phillips Ralph Scott Bruce Ward Roger Marino Harry Alexander Vernon

Downes John Hopkins MAILING ADDRESS P. O. BOX 130 P. O. BOX 130 PRINCESS

ANNE STATE MD National Association of Broadcasters 1771 N Street, NW Washington, DC 20036

and in their official capacity and as a individual Edward O. Fritts President and CEO Washington, DC

NAB Executive Offices Andrew S. Fisher President Atlanta, GA Cox Television Alan W. Frank President

and CEO Detroit, MI Post-Newsweek Stations, Inc. Dean Goodman President/COO West Palm Beach,

FL Paxson Communications Corporation Bruce T. Reese President/CEO Salt Lake City, UT

Bonneville International Corporation Benjamin W. Tucker Jr. Acting President/CEO Seattle, WA

Fisher Communications Company W. Russell Withers Jr. Owner Mount Vernon, IL Withers Broadcasting

companies. GREAT SCOTT BROADCASTING a foreign corporation and/or entity under the law

Mailing Address 224 MAUGERS MILL ROAD City POTTSTOWN PA.

Leventhal Senter & Lerman PLLC a foreign corporation and/or entity under the law

Suite 600 2000 K Street, N.W. Washington, D.C. 2000

4. Text intended to separate ideas.

Prayer for Relief

Wherefore plaintiff prays this Court issue equitable relief as follows:

(A) AWARD PLAINTIFF treble damages and exemplary damages.  
(100 Million Dollars for mental and physical injury)

1. Issue injunctive relief
2. Issue declaratory relief as this Court deems appropriate just.
3. Issue other relief as this Court deems appropriate and just.
4. Award plaintiff his costs of litigation.

DATED Saturday, February 12, 2005

Every thing stated or written in this Amended Complaint Is The Truth  
Under Penaty Of Perjury and Jail Time and Fines.

Signed\_\_\_\_\_

Signed\_\_\_\_\_

Mr. & Mrs. D'Alessandro, Pro Se - Pro-Socia  
94 Angola Estates, Prince George Drive  
Lewes, Delaware 19958  
302 945 1554

\*\*\*\*\*  
\*\*\*

CERTIFICATE

OF SERVICE

I, Joseph L. D'Alessandro, Sr., certify that on this date, I served a true and correct copy of the foregoing

Pleading on the following Defendants BY THE UNITED STATES DISTRICT COURT CLERKS  
OFFICE FOR THE DISTRICT OF DELAWARE

DATED Saturday, February 12, 2005

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EXIBITT A

FCC Orders LPFM Off The Air

from Radio and Records news:

In what's believed to be the first case in which a low-powered station has been silenced by the commission, Frank Patterson's WFBP- LP/Taylors, SC has had its "license to cover" dismissed. Additionally, the FCC set aside an amendment filed by Patterson that sought the relocation of WFBP from 106.1 MHz to another frequency. The decision comes following complaints by Barnstable's WGVC/Greenville, SC, which recently moved its tower to the Greenville suburb of Simpsonville, SC in order to improve its coverage of the market, which includes Spartanburg, SC. Taylors is located between Greenville and Spartanburg, and the relocation of WGVC's 25kw at 106.3 FM instantly created problems for Patterson's 71-watt LPFM. Patterson tells Christian Community Broadcasters that he's "shocked at this atrocity" is considering possible legal action against the FCC. Patterson's consultant, Leo Ashcraft, adds, "What happened to WFBP-LP could happen to any LPFM. It's important that the LPFM community support Patterson as he enters into this battle with the Goliath FCC. This should be a policy-setting case with the commission once everything is said and done and can either spell further protections for LPFM or lock in these rules that threaten to take away your voice anytime a full power broadcaster wants to expand."

EXIBITT B

The NAB IS

Is a group having exclusive control over a commercial commerce activity. They The NAB dominate a particular market to the detriment of (LPFM -LP) competition by others. The NAB is a group and/or a faction, united in a common cause, a bloc.

EXIBITT C

Wednesday, February 09, 2005

Ms. Marlene H. Dortch

Office of the Secretary

Federal Communications Commission

445 Twelfth Street, S.W.

1 2th Street Lobby - TW - A325

Washington, D.C. 20554

DOCKET FILE COPY ORIGINAL

Re: Petition for Rule Making

Amendment of 73.801 MB Docket No.

Millsboro, Delaware (Channel 300)

Dear Ms. Dortch:

Enclosed is an original Petition AND 4 COPYS f o r Rule Making for Primary Status for

WRBG-LP, Channel (300), at Millsboro, Delaware.

Respectfully submitted,

23136 Prince George Drive  
Angola Estates  
Lewes, Delaware 19958-9342  
(302) 945-1554

Before the

Federal

Communications Commission

Washington, D.C. 20554  
In the Matter of 1  
Primary Status  
Amendment of 73.801 MB Docket No.  
F'M Broadcast Stations )  
Millsboro, Delaware (Channel 300)

To: John Karousos, Assistant Chief  
Audio Division of the  
Media Bureau  
PETITION FOR RULE MAKING  
Pursuant to 47 C.F.R. 1.401, Joseph D'Alessandro  
respectfully petitions the FCC to institute a Rule Making  
proceeding to amend to add  
(300) Millsboro, Delaware as Primary Status

#### DISCUSSION

A critical or explanatory note, a commentary.  
This is a legal Document under a declaration of oath.

If i am forced off the Air i will file a Federal Lawsuit (in forma pauperis) for  
exemplary damages in the millions.  
And a Varified Complaint Demand Jury Trial under my Seventh Amendment rights in  
the Fedederal Court of The Third District, futhermore you are deliberately  
causing mental and physical damage, i am disabled and  
my life savings are invested in this LPFM station, over \$20, 000.00 plus a 25  
year lease for studio,  
and bills.

The "why" is substantive due process. Even if an unreasonable law is passed and  
signed into law legally (procedural due process), substantive due process can  
make the law unconstitutional. The Roe v Wade abortion decision declared a Texas  
law in violation of due process.  
The Fourteenth Amendment prohibits the deprivation of liberty or property  
without due process of law. A due process claim is cognizable (Knowable) only if  
there is a recognized liberty (Freedom from unjust or undue governmental  
control) or property (Something tangible or intangible)  
interest at stake. Board of Regents v. Roth, 408 U.S. 564, 569 (1972).

Signed Mr. Joseph D'Alessandro Pro-Se & Pro-Socia  
23136 Prince George Drive  
Angola Estates  
Lewes, Delaware, 19958-9342

Copy to:  
Dow Lohnes & Albertson

1200 New Hampshire Avenue, NW  
Suite 800  
Washington, DC 20036 -6802

The Distinguished Senator John McCain  
Commerce, Science and Transportation Committee  
Members, Staff and Contact Information  
Address: 508 Dirksen Senate Office Building Washington, DC 20510

The Distinguished Representative Joe Barton, Chairman  
Energy and Commerce Committee  
Members, Staff and Contact Information  
Address: 2125 Rayburn House Office Building Washington, DC 20515

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Before the

FEDERAL COMMUNICATIONS

COMMISSION

Washington,

D.C. 20554

In the Matter of

Primary status for and/or LPFM-LP Radio

And The Impact It Has When LPFM-LP Radio Stations are forced off the Air.

By The greed and to dominate The Public Air Spectrum by excluding others.

Reference

04-409

11108-A

To: Office of the Secretary

Attn: Assistant Chief, Audio Division

Media Bureau

Motion By Joseph D'Alessandro for NOTICE OF Petition for Rulemaking

Prefatory Remarks uner a declaration of Oath.

I am Disabled, and have a problem with punctuating, now.

1. Text intended to separate ideas.

WRBG-LP can not be forced off the air by greed and to dominate, The  
Public Air Spectrum by excluding others. My Life savings are in this WRBG-LP.  
(Our Lives will be rendered useless or ineffective)

My Community LPFM-LP Station must have rank position relative to my  
"SUBSTANTIVE RIGHTS"  
and "SUBSTANTIVE DUE PROCESS OF LAW AND/OR CIVIL RIGHTS" and "DUE PROCESS OF LAW  
"

The United States Constitution. Clauses of the First, Fifth, Ninth,  
and Fourteenth Amendments

"Substantive Due Process" is the fundamental constitutional legal theory upon which the Griswold/Roe/Casey privacy right is based. The doctrine of Substantive Due Process holds that the Due Process Clause not only requires "due process," that is, basic procedural rights, but that it also protects basic substantive rights. "Substantive" rights are those general rights that reserve to the individual the power to possess or to do certain things, despite the government's desire to the contrary. These are rights like freedom of speech.

2. Text intended to separate ideas.

(a) WRBG-LP is protected by the jurisdiction of Federal Law, according to federal jurisdiction pursuant to Article III § 2 which extends the jurisdiction to "SUBSTANTIVE RIGHTS" arising under the U.S. Constitution. TITLE 28 PART IV CHAPTER 85 JURISDICTION

sec. 1331. Federal question

sec. 1332. Diversity of citizenship; amount in controversy; costs

(b) The Federal Administrative Procedures Act.

(c) TITLE 18 SECTION 242 DEPRIVATION OF RIGHTS UNDER and COLOR OF LAW,  
TITLE 18 SECTION 241. -CONSPIRACY AGAINST RIGHTS.

EXHIBIT (A)

If this goes on LPFM is Void and Moot. No LPFM is safe.

These Conglomerates attempt to manipulate the Law Cox Radio and Great Scott own 40% if not more, of all stations in this area

MB Docket Action	RM Number Latitude	Call Longitude	Community of License	Channel/Class
04-409	11108a	WHKI	WILLARDS MD 299B1	ADD 38.262
75.254				
Petitioner	CXR HOLDINGS, INC			
Other proposed changes related to this docket:				
MB Docket Action	RM Number Latitude	Call Longitude	Community of License	Channel/Class
Proposed By: DANA J. PUOPOLO				
04-409	11108	PORT NORRIS NJ	299A	ADD 39.246 75.034
Proposed By: DANA J. PUOPOLO				
04-409	11108a	WOLC	FRUITLAND MD 273B	ADD 38.324
75.619				
04-409	11108a	WOLC	PRINCESS ANNE MD 273B	DEL 38.324
75.619				
04-409	11108a	WOLC	FRUITLAND MD 273B	ADD 38.112
75.654				
04-409	11108a	WNNT	WARSAW VA 298A	ADD 37.944 76.751
04-409	11108a	WDYL	LAKESIDE VA 265B1	ADD 37.602
77.369				

City Grade Contour (70 dBu [F50,50])

Subject: Willards has a population of 750 people do you think COX is putting 107.5 ala channell change (107.7 FM) there for the Community or Money, this is illegal.

This monopolization of the air ways must stop i need primary status, according to our United States Constitution, First, Ninth, and Fourteenth Amendments, and The Federal Administrative Procedures Act. My life savings are in this Community Station.

As with John Gerbach. We truly serve our Communities.

If this goes on LPFM is Void and Moot. No LPFM is safe.

DISCERN:

This all could have a negative impact on the LP-FM stations in Ocean City (107.9 WEES) and

Millsboro(107.9WRBG) which could be forced off the air...One of the hold ups with the proposed

changes is from an individual or company who has filed an application for a station in nearby Port Morris, NJ on the 107.7 frequency. However after reading the petitions by both parties, there are many obstacles with the Port Morris application including its extremely small population

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PROGRAMS ON WRBG 107.9

FM

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WRBG-LP

DE MILLSBORO

USA

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>

COMMUNITY STATION FOR ALL

CITIZENS

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>

ANY PERSON OR ASSOCIATION OR BUSINESS CAN DO A PROGRAM ON WRBG

>

AIR TIME IS COMMUNITY FREE SERVICE.

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Sunday Morning 07:00 AM to 08:00 AM "Southern Gospel Train Music" Host Kevin Kitner

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Sunday Morning 08:00 AM to 09:00 AM "Unravling The Word Of God" Host Kevin Kitner

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Sunday Night 06:00 PM to 08:00 PM "Discussing The Truth" Host Sister Olga & Kevin

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Sunday Night 08:00 PM to Whenever "Classic Motown & Dance Music" Host Lady Love

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Saturday Morning 07:00 AM to 08:00 AM "DCRAC Delaware National Community Reinvestment Coalition

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Saturday Morning 08:30 AM to 09:00 AM "Dickens Family Ministry" Host Dickens Family

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Saturday Morning 09:00 AM to 09:30 AM "A Great Company" Host Mrs. Malorie Derby & Mrs.Linda

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VanBrunt

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Saturday Morning 09:30 AM to 10:00 AM "Childrens Programs" Host WRBG

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> Saturday Morning 10:00 AM to 11:00 AM "Word Warrior Ministries" Host  
Rev. Diane Cook

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> Saturday Morning 11:00 AM to 11:30 AM "Pentacostal Holiness Church"  
Host Bishop Phillips

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> Saturday Morning 11:30 AM to 12:00 Noon "Super Natural Power" Host Mike  
Hall

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> Saturday Afternoon Noon to 01:00 PM "Christian Programing" Host Brother  
Adduci

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> Saturday Afternoon 01:00 PM to 01:30 PM "One In his Name" Host Pastor  
Paris Sexton

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> Saturday Afternoon 02:00 PM to 03:00 PM "C.A.T.S." Host Denise

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> Saturday Afternoon 03:00 PM to 03:30 PM "Encore Presentation Learn It  
Live It" Host Mr. Roger Hunt

> Pastor John Marvel

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> Saturday Afternoon 04:00 PM to 08:00 PM "Street Corner Harmony Show"  
Host Joey Dee Anziano

>

> Saturday Night 08:00 PM to 11:00 PM "De Gospel Train" Host Brother  
Lou

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> Monday Night 07:30 PM to 08:30 PM "Are You Ready" Host Mr. Roger  
Hunt & Pastor John Marvels'

> Reformation Radio Ministry

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> Tuesday & Thursday Morning 06:00 AM to 07:00 AM "The Doctor Is In" Host  
Mr. Roger Hunt

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> Tuesday Afternoon 01:00 PM to 03:00 PM "Doo Woops" Host Joey Dee  
Anziano

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> Tuesday Afternoon 03:00 PM to 04:00 PM "Childrens Programs" Host WRBG

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> Tuesday Afternoon 04:00 PM to 04:30 PM "Encore Presentation Learn It  
Live It" Host Mr. Roger Hunt

> Pastor John Marvel

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> Tuesday Afternoon 04:30 PM to 05:00 PM "Voices of The World " Host  
Ilene Bot

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> Every Other Tuesday Afternoon 05:00 PM to 06:00 PM "Time of Empowerment"  
Host Apostle Anthony

> Flowers & Pastor Ruth Flowers

>

> Every Other Tuesday Afternoon 05:00 PM to 06:00 PM "Power House Church"  
Host Pastor Carol LeCort

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> Tuesday Night 06:00 PM to 07:00 PM "Focal Point" Host Ms. Mimi  
Geerges

> The program airs on WEBR in Fairfax County Virginia, WRBG in Southern  
Deleware and WYRC in West Virginia.

>  
> Tuesday Night 07:00 PM to 08:00 PM "Keepin It Real" Host Linda  
Hostelley  
>  
> Tuesday Night 08:00 PM to 09:00  
Host Pastor Leon Brunner  
>  
> Tuesday Night 09:00 PM to 10:00 PM "Doo Woops" Host Joey Dee  
Anziano  
>  
> Wednesday Night 06:00 PM to 07:00 PM "Christian Perspective" Host  
Joseph Ciccanti  
>  
> Thursday Night 06:00 PM to 08:00 PM "Just Talk" Host Sister Eva  
>  
> Thursday Night 08:00 PM to 09:00 PM "Walking In The Newness" Host  
Brother Joseph Adduci  
>  
> Friday Morning 08:30 AM to 09:00 AM "Biblical Apologistics" Host  
Tom Shreck  
>  
> Friday Morning 09:00 AM to 10:00 AM "Keepin It Real" Host Linda  
Hostelley  
>  
> Friday Morning 10:30 AM to 11:30 AM "Searching For My Real Father"  
Host Sister Olga  
>  
> Friday Morning 11:30 AM to 12:00 Noon "Love In Action" " Host  
Pastor Maxine Willford  
>  
> Friday Night 10:00 PM to 11:00 PM "Christian Perspective"  
Host Joseph Ciccanti  
>  
> ciao Dio benedire voi (GOD Bless You)  
>  
> JOSEPH D'ALESSANDRO  
> 23136 Prince George Drive  
> Angola Estates  
> Lewes, Delaware 19958-9342  
>  
> (302)-945-1554  
> Cell (302)-228-3778  
>

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>  
> Owners Message & Doctrine  
> A Partnership of Friendly Communities  
>  
> WRBG is a non-commercial radio station. Listener Supported.  
> WRBG is owned and operated by Christians.  
>  
> "WRBG The Fairness Doctrine"  
> If you do not agree with a LIVE host you have the CIVIL RIGHT to come on  
the station,  
> free air time and set in motion a open discussion or voicing of ideas, in a  
LOVING  
> MANNER NOT OUT OF HATE OR ANGER.  
>

> Everyone is welcomed here at WRBG community radio, according to our United States Constitution and First Amendment.

All political candidates, State and Federal are welcomed on WRBG to share there views in regards to there public service to the Communities and State they serve.

The Greater Millsboro Chamber of Commerce, and surrounding communities Chamber of Commerce, are wellcomed on WRBG to share community events.

All Churches of all denominations, are received with pleasure and hospitality on WRBG.

All Residents, Priest, Pastors, Reverands, and Ministers, are received with pleasure and hospitality on WRBG. All views, perspectives, and, opinions are welcomed on WRBG.

WRBG is founded on Our United States Constitution, Bill of Right, Civil Rights, Civil Liberties, and these three eminent Amendments our First, Ninth, and Fourteenth Amendments.

Thank You

Jehovah GOD Bless You and Your Families  
302 945 1554

#### CERTIFICATE OF

#### SERVICE

I, Joseph D'Alessandro Pro-Se and Pro-Socia of WRBG-LP ., do hereby certify that I have on this Saturday, Wednesday, February 09, 2005, caused to be mailed by first class mail, postage prepaid, and electronic mail copies of the foregoing To the following.

Office of the Secretary Attn: Assistant Chief, Audio Division  
Media Bureau.

Thank You

Sincerly

God Bless You and Your Family

Signed Mr. Joseph D'Alessandro

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23136 Prince George Drive  
Angola Estates  
Lewes, Delaware, 19958-9342

Phone (302) 945 1554